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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,472	01/21/2004	Joan Evelyn Conover	SAIC0008-CON1	2030
27510	7590	02/21/2006	EXAMINER	
KILPATRICK STOCKTON LLP 607 14TH STREET, N.W. WASHINGTON, DC 20005			PHAM, HUNG Q	
			ART UNIT	PAPER NUMBER

2168

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/760,472	CONOVER ET AL.	
	Examiner	Art Unit	
	HUNG Q. PHAM	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 14-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>012104</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-13 and 26-32, in the reply filed on 01/20/06 is acknowledged.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 02/21/04 was filed before the mailing date of the first Office Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6 and 7 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.

As in claims 6 and 7, *the metadata server* and *the portal server* are software. Software is unable to include or have hardware, e.g., *communication component*, as recited in claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 10-13 and 26-32 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Teare et al. [USP 6,151,624].

Regarding claim 10, Teare teaches *a system for searching and retrieving information on a network* (Abstract), comprising:

a computer network (FIG. 8); and

a user workstation (FIG. 8, computer system 800),

the user workstation including a communications component connecting the user workstation to the computer network (FIG. 8, Col. 10, Lines 30-38 and Col. 29, Lines 5-8, modem as a communications component for connecting the user workstation to the computer network),
the user workstation receiving a request (Col. 20, Line 56-Col. 21, Line 3);
the user workstation sending the request to a portal server (Col. 21, Lines 9-10),
the portal server using metadata information about data stored in one or more information repositories to process the request (Col. 20, Lines 20-27),
returning resulting information to the user workstation (FIG. 5, Block 510, Col. 21, Line 63-Col. 22, Line 8).

Regarding claim 11, Teare teaches all of the claimed subject matter as discussed above with respect to claim 10, Teare further discloses *the metadata information is encoded in the eXtensible Markup Language (XML)* (Col. 6, Lines 26-34).

Regarding claim 12, Teare teaches all of the claimed subject matter as discussed above with respect to claim 10, Teare further discloses *the metadata information is encoded in the Resource Description Framework (RDF) format* (Col. 6, Lines 26-34).

Regarding claim 13, Teare teaches all of the claimed subject matter as discussed above with respect to claim 10, Teare further discloses *the request received by the user workstation is one or more from the group consisting of: a search request and an information retrieval request* (Col. 20, Lines 20-33).

Regarding claim 26, Teare teaches *a method for providing access to one or more information repositories* (Col. 25, Lines 16-30, Web server as *information repository* is accessed in response to a user's request), the method comprising:

receiving a request on a portal server (Col. 25, Lines 21-30 and Col. 22, Lines 62-63, a user desires to locate a Web site affiliated with United Airlines that is located in France and enters the words "United Airlines France" into the network address data entry field. As further disclosed at Col. 20, Lines 24-25, the Resolver receives the real name request. As seen, Resolver as *a portal server receives a request* from a user); and

using metadata about data stored in one or more information repositories to process the request (As illustrated at Col. 13, Lines 35-64, metadata of network resource of Web servers is registered, and stored in Name File 64. As disclosed at Col. 16, Lines 20-31, after legal agreement is accepted, Name File 64 is stored in Database 12 of Registry 10. As further disclosed at Col. 20, Lines 21-27, the Resolver 40 receives real name requests, queries the index 30 to identify network addresses corresponding to the real name request and response. As disclosed at Col. 10, Lines 5-10, Index 30 is coupled to Registry 10 and contains Index Files 34 have index entries for values in Name File 64. As seen, metadata of network resource of Web server in Name File 64 is indexed and contained in Index Files 34, which are queried by the Resolver 40 to identify network addresses corresponding to real name request. As seen, *metadata about data stored in one or more Web server as information repositories is used to process the request*).

Regarding claim 27, Teare teaches all of the claimed subject matter as discussed above with respect to claim 26, Teare further discloses *the request is one or more from the group consisting of: a search request and an information retrieval request* (Col. 20, Lines 20-33).

Regarding claim 28, Teare teaches all of the claimed subject matter as discussed above with respect to claim 26, Teare further discloses *the metadata information is encoded in the eXtensible Markup Language (XML)* (Col. 6, Lines 26-34).

Regarding claim 29, Teare teaches all of the claimed subject matter as discussed above with respect to claim 26, Teare further discloses *the metadata information is encoded in the Resource Description Framework (RDF) format* (Col. 6, Lines 34-39).

Regarding claim 30, Teare teaches all of the claimed subject matter as discussed above with respect to claim 26, Teare further discloses *the metadata is stored on the portal server* (Col. 10, Lines 60-63).

Regarding claim 31, Teare teaches all of the claimed subject matter as discussed above with respect to claim 26, Teare further discloses *the metadata is stored on a metadata server* (Col. 10, Lines 60-63).

Regarding claim 32, Teare teaches all of the claimed subject matter as discussed above with respect to claim 26, Teare further discloses *the metadata includes a classmark*

attribute, the classmark attribute being automatically generated from a keyword index and a class definition

(the ADDRESS column of FIG. 10, Col. 13, TABLE 3 and Col. 19, Lines 5-27)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teare et al. [USP 6,151,624] in view of Barkan et al. [USP 6,366,575 B1].

Regarding claim 1, Teare teaches *a system for providing a portal to information stored in one or more information repositories* (Abstract), comprising:

a computer network (FIG. 8);

one or more information repositories, each information repository connecting the information repository to the computer network (Col. 6, Lines 19-23 and Col. 9, Lines 40-41, the Web servers stores Web pages and connect to the Internet. As seen, Web server as information repositories and connect to the Internet as the computer network);

a metadata server, the metadata server including a communications component connecting the metadata server to the computer network, the metadata server storing metadata information about data stored in the one or more information repositories (Col. 10, Lines 60-63, Registration Service is executed in a server. Col. 13, Lines 23-24, Registration Service controls Registry 10. As illustrated at Col. 13, Lines 35-64, metadata of network resource of Web servers is registered to Registration Service via an interface, and metadata is stored in Name File 64. As disclosed at Col. 16, Lines 20-31, after legal agreement is accepted, Name File 64 is stored in Database 12 of Registry 10. As seen, Registration Service as a metadata server, and Registration Service storing metadata information about data stored in the one or more information repositories, e.g., metadata of network resource of Web servers. As disclosed at Col. 29, Lines 5-8, a modem local to a computer system as a communications component for connecting the server to the Internet); and

a portal server, the portal server having a communications component connecting the to portal server to the computer network, the portal server receiving requests and processing the requests using metadata information stored on the metadata server (Col. 10, Lines 60-63, Resolver 40 is executed in a server. As further disclosed at Col. 20, Lines 21-27, the Resolver 40 receives real name requests, queries the index 30 to identify network addresses corresponding to the real name request and response, wherein Index 30 is coupled to Registry 10 and

contains Index Files 34 have index entries for values in Name File 64 (Col. 10, Lines 5-10). As seen, Resolver 40 *a portal server*, the Resolver 40 *receiving requests and processing the requests using metadata information stored on the metadata server*. As disclosed at Col. 29, Lines 5-8, a modem local to a computer system as *a communications component* for connecting the server to the Internet).

The missing of Teare system is *a communications component* is included in the Web server as *information repository* in order to connect the Web server to the Internet.

However, *a communications component*, e.g., Ethernet card, is a must for a Web server in order to connect to the Internet. A Web server with an Ethernet card is disclosed by Barkan at Col. 3, Lines 47-52 of USP 6,366,575.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to include a communication component such as an Ethernet card in a Web server in order to communicate with other system via a computer network such as Internet.

Regarding claim 2, Teare and Barkan, in combination, teach all of the claimed subject matter as discussed above with respect to claim 1, Teare further discloses *the computer network is the Internet* (Teare, Col. 9, Lines 30-32).

Regarding claim 3, Teare and Barkan, in combination, teach all of the claimed subject matter as discussed above with respect to claim 1, Teare further discloses *the metadata server stores the metadata information encoded in the eXtensible Markup Language (XML)* (Teare,

Col. 6, Lines 26-34).

Regarding claim 4, Teare and Barkan, in combination, teach all of the claimed subject matter as discussed above with respect to claim 1, Teare further discloses *the metadata server stores the metadata information encoded in the Resource Description Framework (RDF) format* (Teare, Col. 6, Lines 34-39).

Regarding claim 5, Teare and Barkan, in combination, teach all of the claimed subject matter as discussed above with respect to claim 1, Teare further discloses *the requests that the portal receives are one or more from the group consisting of: a search request and an information retrieval request* (Teare, Col. 20, Lines 20-33).

Regarding claim 6, Teare and Barkan, in combination, teach all of the claimed subject matter as discussed above with respect to claim 1, Teare further discloses *the metadata server and the portal server are run on a single computing device* (Teare, Col. 10, Lines 60-63).

Regarding claim 7, Teare and Barkan, in combination, teach all of the claimed subject matter as discussed above with respect to claim 6, Teare further discloses *the metadata server and the portal server use the same communications component to connect to the computer network* (Teare, Col. 10, Lines 60-63 and Col. 29, Lines 5-8).

Regarding claim 8, Teare and Barkan, in combination, teach all of the claimed subject matter as discussed above with respect to claim 1, Teare further discloses *the metadata information stored on the metadata server includes classmark information* (Teare, the ADDRESS column of FIG. 10).

Regarding claim 9, Teare and Barkan, in combination, teach all of the claimed subject matter as discussed above with respect to claim 8, Teare further discloses *the classmark information is automatically determined from an index and a class definition* (Teare, Col. 13, TABLE 3 and Col. 19, Lines 5-27).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY A. GAFFIN can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


HUNG Q PHAM
Examiner
Art Unit 2168

February 15, 2006